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Paper No. 4

Merchant & Gould P.C.  
PO Box 2903  
Minneapolis, MN 55402-0903

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**AUG 21 2002**

**OFFICE OF PETITIONS**

In re Application of :  
David B. Annan, Eric K. Chan, Eddie S. Decurtis, :  
Teresa L. Stephens, George L. Lasota, and William J. :  
Schaefer :  
Application No. 09/981,777 :  
Filed: October 16, 2001 :  
Attorney Docket No. 11465.1 :  
Title: METHOD AND SYSTEM FOR WIRELESS :  
AUDIO MESSAGE DELIVERY :

DECISION ACCORDING STATUS  
UNDER 37 C.F.R. §1.47(a)

This is in response to the petition under 37 C.F.R. §1.47(a)<sup>1</sup>, filed April 11, 2002.

The petition under 37 C.F.R. §1.47(a) is **GRANTED**.

The above-identified application was filed on October 16, 2001, identifying David B. Annan, Eric K. Chan, Eddie S. Decurtis, Teresa L. Stephens, George L. Lasota, and William J. Schaefer as joint inventors. On December 14, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration<sup>2</sup> in compliance with 37 C.F.R. §1.63 and a surcharge for its late filing. This Notice set a two-month period for reply.

In reply, applicant filed the instant petition (and fee<sup>3</sup>), as well as the surcharge associated with the late filing of an oath or declaration. To make timely this reply, a two-month extension of time was requested, and had been charged to petitioner's Deposit Account.

Accompanying the petitions were statements from attorney John W. Branch, copies of the cover letters sent to the non-signing inventors which requested that they sign the declaration, copies of internet search results, and copies of

<sup>1</sup> A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application, as set forth in 37 CFR § 1.16(e);
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that the non-signing inventor refuses to join in the application or cannot be found or reached after diligent effort;
- (5) a declaration which complies with 37 CFR §1.63.

<sup>2</sup> The declaration was executed by inventors Annan, Chan, and Schaefer.

<sup>3</sup> The applicant has included \$390.00 for the petitions fees, believing that three petitions were necessary. As this could have been handled with merely one petition, the difference of \$260.00 will be refunded to petitioner's Deposit Account, as authorized in the petition.

the non-signing inventors employment agreements which establish that each of them was required to assign any inventions to their employers.

The documents submitted establish that a copy of the application was sent to each of the non-signing inventors, and they have failed to respond.

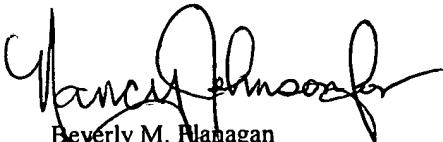
The petition includes the last known address for each of the non-signing inventors. The documents submitted establish that a copy of the application papers was sent to each of the non-signing inventors at their last known address, and they have failed to respond. The evidence further shows diligent effort to determine if the inventors have new addresses, so the application papers could be forwarded to them at those addresses.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be returned to the Office of Initial Patent Examination (OIPE) for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011.



Beverly M. Blahagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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George L. Lasota  
100 U.N. Plaza, 10F  
New York, NY 10017

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**LETTER**

In re Application of :  
David B. Annan, Eric K. Chan, Eddie S. Decurtis, :  
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Schaefer :  
Application No. 09/981,777 :  
Filed: October 16, 2001 :  
Attorney Docket No. 11465.1 :  
Title: METHOD AND SYSTEM FOR WIRELESS :  
AUDIO MESSAGE DELIVERY :

Dear Mr. Lasota:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application.

Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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Eddie S. Decurtis  
1430 Bent Trail Circle  
Southlake, Texas 76092

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AUDIO MESSAGE DELIVERY :

LETTER

Dear Mr. Decurtis:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

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Teresa L. Stephens  
24 Bridge Street  
Westport, CT 06880

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**LETTER**

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Application No. 09/981,777 :  
Filed: October 16, 2001 :  
Attorney Docket No. 11465.1 :  
Title: METHOD AND SYSTEM FOR WIRELESS :  
AUDIO MESSAGE DELIVERY :

Dear Ms. Stephens:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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